

# Notice of Allowability

Application No.

08/928,156

Examiner

Cheryl Juska

Applicant(s)

BERSTED ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07-18-03.
2. ☒ The allowed claim(s) is/are 92-104 and 122-124.
3. ☒ The drawings filed on 12 September 1997 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

Cheryl Juska  
Primary Examiner  
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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 18, 2003 has been entered.

### ***Response to Amendment***

2. Amendment F, submitted on July 18, 2003, has been entered. Claims 105-113, 118-121, and 128-139 have been cancelled, while claims 92, 93, and 97 have been amended as requested. The pending claims are 92-104 and 122-124.

3. Amendment F is sufficient to withdraw the 112, 1<sup>st</sup> rejection set forth in section 3 of the last Office Action. Additionally, the amendments to claims 92, 93, and 97, wherein the filaments "consist of" crystalline polypropylene homopolymer having a melting point of about 168°C, is sufficient to withdraw the rejections based upon Galambos (US 5,455,305) and Clementini (US 5,486,419). In particular, Galambos teaches filaments that are a blend of 5-50 pbw of a syndiotactic polypropylene with the polypropylene homopolymer and Clementini clearly teaches the polypropylene homopolymer only in an amount of up to 70% (i.e., at least 30% of another polymer).

4. An updated search of the art has produced the following art of record:

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- a. US 6,444,774 issued to Stahl et al.,
- b. US 6,342,565 issued to Cheng et al.,
- c. US 6,129,879 issued to Bersted et al.,
- d. US 5,945,215 issued to Bersted et al.,
- e. US 5,763,080 issued to Stahl et al.,
- f. US 5,753,762 issued to Leuckx et al.,
- g. US 5,622,765 issued to Clementini et al.,
- h. US 5,587,229 issued to Clementini et al.,
- i. US 4,430,852 issued to Hatcher,
- j. US 4,258,457 issued to Hughes et al., and
- k. US 3,911,539 issued to Hughes et al.

However, none of the art of record teach or fairly suggest the invention as presently claimed.

Specifically, the prior art does not teach or suggest a BCF yarn wherein the continuous filaments consist of crystalline polypropylene homopolymer having a melting point of about 168°C or such a PP homopolymer with an additive as claimed, wherein said PP homopolymer has the claimed bulk level, shrinkage, and recovery. The prior art teaches the use of such a PP homopolymer but not a filament consisting of only said homopolymer. Hence, claims 92-104 and 122-124 are allowed.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

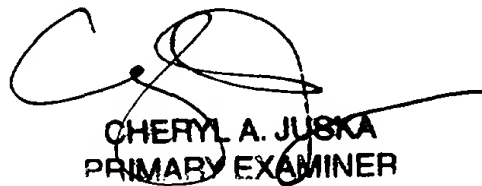
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***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Cheryl Juska whose telephone number is 703-305-4472. The Examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
CHERYL A. JUSKA  
PRIMARY EXAMINER

cj  
August 24, 2003